



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

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MINUTES October 27, 2003

Budget

Meeting Schedule

Request for certificate of completion and release of security for Hart Farm Estates Definitive Subdivision Plan [Request of Michael Kenny]

Identification and analysis of potential sites for Wireless Communications Facilities [Broadcast Signal Lab and GPR] – Wireless Study Ad Hoc Steering Committee

Joint Public Hearing with Carlisle Tree Warden of request to review removal of approximately 100 feet of stone wall and one or more 30-inch pine trees within the right of way adjacent to 511 Brook Street, under provisions of the Scenic Roads Bylaw (Art. XII & MGL Ch. 40, s.15C) and the Public Shade Tree Act (MGL Ch. 87, s.3) [Request of Scott Henderson]

Associate Members

Request for consulting engineer's review of as-built plans and conditions of Berry Corner Lane prior to owners' proposed repair of existing conditions of the Lane [Request of Board Chair Hara] (executive session)

Request for discussion of potential Agreement for Judgement in litigation pending against the Town by AT&T Wireless et al., American Tower et al., and Matthew Hamor et al., re: decisions on variances by the Board of Appeals at 662 Bedford Road and 871 Bedford Road [Request of Town Counsel] (executive session)

ANR Plan: 588 and 610 Bedford Road, Map 10, Lots 24 and 25, Christopher Spriano, applicant [Request by Stanski and McNary, Inc. to endorse Land Court plan; ANR endorsed 6/23/03]

Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for an 8-unit condominium, Laurel Hollow, at 302 Lowell Road (Map 21, Parcel 12), 2 units to be offered as affordable housing. (Application of MKCKMK, LLC, referred by Board of Appeals)

MIIA – Massachusetts Interlocal Insurance Association

Chair Louise Hara called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board Members Michael Abend, David Freedman, Dan Holzman and Tom Lane were present. Richard Colman arrived at 7:40 p.m. Member Phyllis Zinicola was not in attendance this evening. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were present.

Minutes

The minutes of 9/29/03 were reviewed. Abend suggested two changes in wording. Freedman then **moved to approve the minutes of September 29, 2003 as amended.** Abend seconded the motion and it carried 5-0. The Board also reviewed the minutes of the Special Meeting of 9/9/03. Lane **moved to approve the minutes of the Special Meeting of October 6, 2003 as drafted.** Abend seconded the motion and it carried 4-0-1 with Abend abstaining.

(Colman arrived.)

Budget

Lane reported that the Wireless Study Ad Hoc Steering Committee had asked if the PB has money in its budget to hire the wireless consultant to redraft the wireless bylaw. Mansfield noted that the PB has \$6,953 budgeted for "Planning/Professional" expenses, but Hara cautioned that the GIS study and the Community Development Plan might require additional work beyond what has already been budgeted.

Meeting Schedule

Mansfield noted that the Planning Board's meeting, tentatively scheduled for November 10th, would not be held due to Town Meeting. Abend informed the Board that he would not be present for the November 24th PB meeting.

Request for certificate of completion and release of security for Hart Farm Estates Definitive Subdivision Plan [Request of Michael Kenny]

Mansfield reported that drainage issues on Lots 2 and 3 have been resolved with the Trails Committee and built as agreed to. The as-built plan had been submitted, but requires one minor revision. Mansfield noted that two or three bounds have not been located, although Stamski and McNary report that they have been installed. The Board suggested that its engineer, Sandy Brock, resolve this issue with the applicant's engineer. Freedman suggested that given history of this project, Brock should review list of outstanding items carefully, particularly drainage on the cul-de-sac near Lot 8.

Identification and analysis of potential sites for Wireless Communications Facilities [Broadcast Signal Lab and GPR] – Wireless Study Ad Hoc Steering Committee

Abend reported that this committee met twice and agreed to recommend the following action items to the Board of Selectmen: 1) Move forward in evaluating potential construction of a wireless facility at the school, and 2) Complete construction of a facility in the center of Carlisle and evaluate its effectiveness before moving forward to recommend other sites in town.

Abend also reported that the committee agreed it would be important to require linkage between construction of a wireless facility at the school and a donation or improvement to the school. Abend explained that the current bylaw would not allow location at the school site and must be reviewed and perhaps revised to reduce the 900' setback requirement. Freedman noted that with the existing emergency communications facilities on the school, additional wireless service providers could apply as co-locators. Abend admitted that the committee hadn't considered that, but it would be appropriate to explore this option as the Town moves forward in its evaluation of the site.

Abend informed the Board that this committee will make its recommendation to the BOS and has not planned any further meetings. They recommend forming a committee to review and possibly rewrite the wireless bylaw. They also recommended an All-Boards meeting with the PB's wireless consultant, David Maxson. Hara suggested preparing questions for Maxson in advance and obtaining an estimate for this service.

Holzman noted that the committee reviewing the wireless bylaw should consider if any setback should be required outside 1-½ times the tower height. He stated that other communities are able to control tower location without setback requirements. Holzman also noted that arbitrary setback requirements have no scientific basis and are difficult to justify.

Joint Public Hearing with Carlisle Tree Warden of request to review removal of approximately 100 feet of stone wall and one or more 30-inch pine trees within the right of way adjacent to 511 Brook Street, under provisions of the Scenic Roads Bylaw (Art. XII & MGL Ch. 40, s.15C) and the Public Shade Tree Act (MGL Ch. 87, s.3) [Request of Scott Henderson]

Tree Warden and DPW supervisor Gary Davis came forward to join the PB in presiding at this hearing.

The applicant, Scott Henderson of 6 French Road in Billerica, was present with Todd Brown who installed the septic system at 511 Brook Street and who is also a landscaper. Barbara Henderson of 511 Brook Street, Frank Golis and Henry Cox of Brook Street were also present.

Brown noted that the applicant had not been made aware of the scenic road hearing requirement until after the trees and wall had been removed to allow for construction of a septic system and retaining wall. Brown proposed planting Baltic ivy and laurel on and in front of the new retaining wall to hide its surface and make it more attractive. He noted that the wall is a maximum of four feet high and should soon be covered in ivy. Abend noted that the wall is in fact six to seven feet high measured from the edge of the roadway pavement to the top of the wall. The shoulder has been graded on a slope such that there is a difference of approximately two feet from the edge of the pavement to the base of the wall. He asserted that

because this area is no longer level, pedestrian travel has become more hazardous. Gary Davis added his concerns regarding snow removal in this area.

Cox noted that at its narrowest point the roadway shoulder is only 5-6 feet from pavement to the base of the wall. He was concerned about safety, especially for pedestrians. He noted that if bushes were planted here, they would encroach upon the pavement allowing no room for pedestrians to step out of the way of traffic. He also noted that if ivy is planted, it should be salt-resistant.

Henderson and Brown argued that the shoulder has been graded to match grades prior to construction. Based on photos provided by the applicant, the Board was not convinced that this was true. Freedman asked Davis if he would prefer a level grade to the wall. Davis affirmed this because it would aid in snow removal. Brown noted that the plans specify no more than four feet of the wall may be exposed above grade, but he suggested that the shoulder could be leveled for two to three feet and then made steeper at the wall.

The Board agreed that for aesthetic purposes, the wall should be covered with ivy, and some laurel may be planted at points along the wall that have a greater setback from the pavement. For safety purposes, however, the Board suggested that the applicant should consult with an engineer to determine if the shoulder could be leveled two feet from the pavement. They were concerned that cutting fill from in front of the retaining wall could reduce its integrity. Abend asked the applicant to return with a detailed plan of the roadway and area in front of the wall, showing a two-foot, level shoulder, proposed grading and landscaping. This plan should be reviewed by a structural engineer to ensure that such changes will not reduce the effectiveness of the retaining wall.

Abend moved and Colman seconded a motion to continue the public hearing to 7:45 p.m. on November 24, 2003. The motion carried 6-0.

Associate Members

Ray Bahr was present to inquire about the associate member position. Hara explained that for special permit applications, an applicant must have five positive votes to obtain a special permit. Only members who have been in attendance at every session of the public hearing are eligible to vote on a special permit application. Hara explained further that in the past, hearings have been continued and prolonged because PB members were either recused or absent from discussion. Therefore, the Board would like to have one or two associate members who could be present for conceptual plan discussions and special permit hearings.

Bahr stated that he is an engineer with Cisco and has been a Carlisle resident for three years. He has had limited experience with town government, but is interested in becoming involved now because he expects to be a long term resident of Carlisle. Hara and Freedman noted that Bahr attended the Community Development Plan focus group discussions and were impressed with his questions and insight.

Bahr asked for examples of special permits. The Board listed some and referred him to Carlisle's Zoning Bylaws, Section 5. Bahr expressed interest and agreed to look over the Bylaws and then contact the Board.

Request for consulting engineer's review of as-built plans and conditions of Berry Corner Lane prior to owners' proposed repair of existing conditions of the Lane [Request of Board Chair Hara] (executive session) and

Request for discussion of potential Agreement for Judgement in litigation pending against the Town by AT&T Wireless et al., American Tower et al., and Matthew Hamor et al., re: decisions on variances by the Board of Appeals at 662 Bedford Road and 871 Bedford Road [Request of Town Counsel] (executive session)

At 9:20 p.m., Abend moved to go into executive session to discuss conditions of Berry Corner Lane and to discuss the potential Agreement for Judgement in litigation re: decisions on variances by the Board of Appeals at 662 and 871 Bedford Road, to return to regular session after conclusion of both discussions. Colman seconded the motion. The Board was polled: Colman-aye, Lane-aye, Abend-aye, Hara-aye, Freedman-aye, and Holzman-aye. The motion carried unanimously.

(Abend left the meeting at 9:50 p.m. following the Berry Corner Lane discussion and Colman left at 11:00 p.m.)

At 11:40 p.m. Freedman moved and Lane seconded a motion to return to regular session. The Board was polled: Lane-aye, Hara-aye, Freedman-aye, Holzman-aye.

ANR Plan: 588 and 610 Bedford Road, Map 10, Lots 24 and 25, Christopher Spriano, applicant [Request by Stamski and McNary, Inc. to endorse Land Court plan; ANR endorsed 6/23/03]

Mansfield explained that this ANR, previously endorsed by the Planning Board, is being resubmitted with minor revisions as requested by Land Court. Land Court has requested that an old wood path, no longer in use, be shown on the plan. It also requested that an existing horse ring be removed from the plan because it straddles three lots. Otherwise the plan is identical to the previous plan. Freedman moved to endorse the Plan of Land in Carlisle, MA, dated May 23, 2003, revised October 6, 2003 prepared for Spriano by Stamski and McNary as Approval Not Required. Lane seconded the motion and it carried 4-0.

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Mansfield read a memo from Board of Appeals Acting Chair, Hal Sauer, dated October 16, 2003. In the memo, Sauer thanked the Planning Board for scheduling a special meeting to review conditions for the Laurel Hollow application. He stated that the final conditions were heavily influenced by the Planning Board's recommendations and the Zoning Board of Appeals is grateful for the PB's efforts.

MIIA – Massachusetts Interlocal Insurance Association

Mansfield asked Board members to review course offerings in the October 14th MIIA memo and inform him if interested in attending. He also noted that, at their next meeting, the Board would view a twelve-minute video regarding Planning Board responsibilities, which will qualify the Town for insurance discounts.

At 11:45 p.m. Holzman moved to adjourn the meeting. Freedman seconded the motion and it carried 4-0.

Respectfully submitted,



Anja M. Stam
Administrative Assistant